

## HOUSE BILL NO. 189

INTRODUCED BY B. EGGERS, BIXBY, GALLUS, GALVIN-HALCRO, GUTSCHE, HALLIGAN, HURDLE,  
JUNEAU, KAUFMANN, KITZENBERG, LENHART, PEASE, SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE MONTANA HIGHWAY PATROL, SHERIFF'S  
OFFICES, AND POLICE DEPARTMENTS TO COLLECT AND REPORT DATA ON ROUTINE TRAFFIC  
ENFORCEMENT THAT CAN BE USED WITH REGARD TO THE ISSUE OF RACIAL PROFILING; PROVIDING  
FOR THE USE OF THE INFORMATION IN LAW ENFORCEMENT TRAINING; ~~PROVIDING FOR THE~~  
~~VOLUNTARY COLLECTION OF THE DATA BY LOCAL LAW ENFORCEMENT AGENCIES;~~ AND PROVIDING  
AN EFFECTIVE A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Traffic stop data.** (1) The highway patrol AND EACH SHERIFF'S OFFICE  
AND POLICE DEPARTMENT shall collect the following information and report it ~~semiannually~~ ANNUALLY to the  
department of justice and the board of crime control:

(a) the number of individuals stopped for routine traffic enforcement, whether or not a citation or  
warning was issued;

(b) ~~identifying characteristics of each individual stopped, including the individual's~~ THE race or  
ethnicity, approximate age, and gender OF EACH INDIVIDUAL STOPPED;

(c) the nature of the alleged violation that led to the stop;

(d) whether a search was instituted as a result of the stop; and

(e) whether an arrest was made or a written citation was issued as a result of either the stop or  
the search.

(2) The department of justice and the board of crime control shall compile the information reported  
pursuant to subsection (1) and make a report to the legislature as provided in 5-11-210. THE REPORT MUST  
ALSO CONTAIN THE MANNER IN WHICH THE HIGHWAY PATROL, SHERIFF'S OFFICES, AND POLICE DEPARTMENTS ARE USING  
THE INFORMATION COLLECTED.

NEW SECTION. **Section 2. Local data collection.** ~~(1)~~ The highway patrol, SHERIFF'S OFFICES, AND

1 POLICE DEPARTMENTS shall work with the department of justice, the board of crime control, and the law  
2 enforcement academy to develop:

3 ~~(a)(1)~~ further criteria for the collection and evaluation of the data collected pursuant to [section  
4 1]; and

5 ~~(b)(2)~~ training materials for use by the law enforcement academy and local law enforcement  
6 agencies on the issue of racial profiling.

7 ~~—— (2) The highway patrol, the department of justice, and the board of crime control shall encourage~~  
8 ~~local law enforcement agencies to voluntarily collect the data provided for in [section 1].~~

9 ~~—— (3) The department of justice and the board of crime control shall make a report to the legislature,~~  
10 ~~as provided in 5-11-210, containing:~~

11 ~~—— (a) the names and number of local law enforcement agencies voluntarily collecting data on~~  
12 ~~potential racial profiling as provided in subsection (2);~~

13 ~~—— (b) the type of data being collected by each participating law enforcement agency; and~~

14 ~~—— (c) the manner in which the agencies are using the data collected.~~

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16 NEW SECTION. Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified  
17 as an integral part of Title 44, chapter 4, and the provisions of Title 44, chapter 4, apply to [sections 1  
18 and 2].

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20 ~~—— NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2001.~~

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22 NEW SECTION. SECTION 4. TERMINATION. [THIS ACT] TERMINATES JUNE 30, 2005.

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